

Michael B. McDonnell, State Bar No. 107053
 Douglas M. Field, State Bar No. 237888
 McDONNELL & ASSOCIATES
 2040 Harbor Island Drive, Suite 202
 San Diego, California 92101
 Telephone: (619) 294-4230
 Facsimile: (619) 294-4237

Attorneys for PETER BLAIR, and THE YACHT CLUB, LLC.

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

GREGORY A. STRASBURG, Individually and as
 Trustee of the GREGORY A. STRASBURG
 REVOCABLE TRUST dated 4/28/2003

Plaintiff,

vs.

M/Y JUST A NOTION, Official Number 1089525,
 her engines, tackle, furniture and appurtenances, *in*
rem; PETER BLAIR, *in personam*; JIM
 SINGLETON, *in personam*; and THE YACHT
 CLUB, LLC., a Nevada Corporation,

Defendants.

CASE NO: 08cv0021JLS(BLM)

IN ADMIRALTY

**DECLARATION OF MICHAEL B.
 McDONNELL IN SUPPORT OF
 MOTION TO WITHDRAW AS
 COUNSEL**

Date: May 16, 2008

Time: 10:30 AM

Judge: Hon. Janis L. Sammartino

Dept: Courtroom 6

I, Michael B. McDonnell, do declare and state as follow:

1. I am the attorney of record for Defendants PETER BLAIR and THE YACHT CLUB, LLC in the above-referenced matter. I have personal knowledge of all the matters stated herein and could and would competently testify thereto if called upon to do so.

2. I am requesting the Court to allow myself and my firm to withdraw as counsel of record for the above defendants for a myriad of reasons. My dealings in this case are with PETER BLAIR (hereinafter "BLAIR"). He is not only my individual client but he is also president of the corporate Defendant THE YACHT CLUB, LLC (hereinafter "YCLLC").

3. Throughout my representation of Defendants in this case BLAIR has continually

1 insisted that I file motions and take actions in this case which I believe would not be a good
2 strategic move, nor in his best interests or the interests YCLLC, and in many cases are improper.
3 My refusal to take these actions has led to many disagreements between myself and BLAIR
4 rendering it extremely difficult to run the case.

5 4. As a result of these disagreements BLAIR has taken it upon himself to contact the
6 Court, by telephone on one occasion, and more recently he attempted to file documents with the
7 Court without my knowledge and /or consent. By taking such actions he has undermined my
8 ability to represent him and the company and he is certainly not following my advice or counsel
9 regarding the handling of this case.

10 5. Finally BLAIR has failed to pay for the services and costs rendered in this case. Our
11 firm requested an initial retainer deposit of which only a portion has ever been paid. The
12 remaining balance of the retainer has not been paid nor any of the subsequent invoices.

13 6. I have both orally and twice in writing notified BLAIR of my intent to withdraw and
14 that the corporate Defendant cannot appear pro per in this action. I have notified him that upon
15 my withdrawal from this action that substitute counsel will need to be in place for YCLLC
16 otherwise the corporation is running the risk that the answer could be struck and a default entered
17 against the company.

18 7. I have on numerous occasions asked BLAIR to find new counsel so that I could
19 substitute out of this case without the necessity of filing this motion. BLAIR has failed and
20 refused to find substitute counsel therefore necessitating the filing of this motion. This firm is
21 not in the position to continue to handle a case with a client who is not paying for the services
22 rendered and refuses to follow the advice of counsel and acts directly against counsel's advice.

23 8. Therefore, I respectfully request that this Court allow our firm to withdraw as the
24 counsel of record for PETER BLAIR and THE YACHT CLUB, LLC.

25 I declare under the penalty of perjury that foregoing is true and correct, executed this 15th
26 day April, 2008 in San Diego, California.

27 
28 Michael B. McDonnell